

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 1/23/2014

Action Requested By:
Planning

Agenda Item Type
Ordinance

Subject Matter:

Annexation of land.

Exact Wording for the Agenda:

Introduction of an ordinance concerning the annexation of land east of Old Big Cove Road and north of Hampton Ridge Drive.

Note: If amendment, please state title and number of the original

Item to be considered for: Introduction Unanimous Consent Required: Yes

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

26.66 acres.
Additional information is attached.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: _____



Date: 1/15/2014

ORDINANCE NO. 14-

WHEREAS, David Burns Drake as Trustee of The Mary Frances Drake Irrevocable Trust for David and as Personal Representative of the Estate of Mary Frances Drake, has petitioned the governing body of the City of Huntsville, Alabama, requesting that certain property or territory be annexed to the City of Huntsville, Alabama; and

WHEREAS, said petition contained the signature of the owner of the property as the same is assessed for ad valorem tax purposes; and

WHEREAS, said property is contiguous to the present city limits of the City of Huntsville, Alabama, and does not lie within the corporate limits of any other municipality; and

WHEREAS, a map of said territory showing its relationship to the corporate limits of the City of Huntsville, Alabama, has been filed with the City Clerk-Treasurer; and

WHEREAS, it is the judgement and opinion of the City Council of the City of Huntsville, Alabama, that it is necessary and proper and in the public interest that said property be brought within the corporate limits of the City of Huntsville, Alabama;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows;

1. That the City Council of the City of Huntsville, Alabama hereby assents to the annexation of certain property to the City of Huntsville, Alabama, which said property as hereinabove referenced is more particularly described as follows:

All that part of the Northwest Quarter of Section 35, Township 4 South, Range 1 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the southwest corner of Section 35; thence from the point of beginning and along the west boundary of said Section 35 Due North 2681.19 feet; thence leaving said boundary South 88 degrees 26 minutes 35 seconds East 687.38 feet to a point; said point is further described as the point of true beginning; thence from the point of true beginning North 04 degrees 44 minutes 25 seconds West 620.80 feet; thence North 14 degrees 10 minutes 20 seconds West 214.63 feet; thence North 76 degrees 34 minutes 40 seconds East 297.58 feet; thence South 14 degrees 28 minutes 42 seconds East 20.10 feet; thence North 75 degrees 31 minutes 18 seconds East 210.00 feet; thence South 14 degrees 28 minutes 42 seconds East 5.69 feet; thence North 75 degrees 31 minutes 18 seconds East 160.00 feet; thence South 14 degrees 28 minutes 42 seconds East 190.86 feet; thence South 05 degrees 20 minutes 11 seconds West 28.88 feet; thence North 89 degrees 25 minutes 33 seconds East 711.10 feet; thence South 08 degrees 28 minutes 11 seconds East 783.85 feet to

ORDINANCE NO. 14- _____

a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence North 89 degrees 20 minutes 30 seconds West 1421.79 feet to the point of true beginning and containing 26.66 acres, more or less.

2. That the corporate limits of the City of Huntsville, Alabama, are hereby extended and rearranged so as to embrace and include the hereinafter property as part of the corporate area of the City of Huntsville.

3. That this ordinance shall become effective upon its publication as required by law.

4. That the Mayor and City Clerk-Treasurer of the City of Huntsville, Alabama, are hereby authorized, requested and directed for and on behalf of the governing body of the City to file a description of the property or territory herein annexed in the Judge of Probate Office of Madison County.

ADOPTED this the _____ day of _____, 2014.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2014.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA
COUNTY OF MADISON

PETITION FOR ANNEXATION TO THE CITY OF
HUNTSVILLE, ALABAMA, UNDER ACT NO. 2228
S.134, 1971 REGULAR SESSION

TO: The City Clerk-Treasurer of the City of Huntsville, Alabama

The undersigned, David Burns Drake, as Trustee of The Mary Frances Drake Irrevocable Trust for David and as Personal Representative of the Estate of Mary Frances Drake, hereby petitions the Mayor and City Council of the City of Huntsville, Alabama, to bring the hereinafter described property within the corporate limits of the City of Huntsville under the provisions of Act No. 2228, S. 134, of the 1971 Regular Session of the Legislature of Alabama. The undersigned respectfully requests that the property or territory hereinafter described be annexed to the City of Huntsville. I further certify that I have the right and authority to make and file this petition for annexation, that said property is contiguous to the existing corporate limits of the City of Huntsville, Alabama, which said City has a population of more than 2,000, and that said property does not lie within the corporate limits of any other municipality, and I do hereby respectfully petition the Mayor and City Council of the City of Huntsville to adopt an ordinance assenting to the annexation of said property to the City of Huntsville. I further certify that the property is assessed for ad valorem tax purposes in the name of David Burns Drake, Trustee of The Mary Frances Drake Irrevocable Trust for David and as Personal Representative of the Estate of Mary Frances Drake.

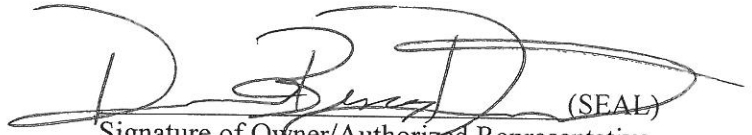
All that part of the Northwest Quarter of Section 35, Township 4 South, Range 1 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the southwest corner of Section 35; thence from the point of beginning and along the west boundary of said Section 35 Due North 2681.19 feet; thence leaving said boundary South 88 degrees 26 minutes 35 seconds East 687.38 feet to a point; said point is further described as the point of true beginning; thence from the point of true beginning North 04 degrees 44 minutes 25 seconds West 620.80 feet; thence North 14 degrees 10 minutes 20 seconds West 214.63 feet; thence North 76 degrees 34 minutes 40 seconds East 297.58 feet; thence South 14 degrees 28 minutes 42 seconds East 20.10 feet; thence North 75 degrees 31 minutes 18 seconds East 210.00 feet; thence South 14 degrees 28 minutes 42 seconds East 5.69 feet; thence North 75 degrees 31 minutes 18 seconds East 160.00 feet; thence

South 14 degrees 28 minutes 42 seconds East 190.86 feet; thence South 05 degrees 20 minutes 11 seconds West 28.88 feet; thence North 89 degrees 25 minutes 33 seconds East 711.10 feet; thence South 08 degrees 28 minutes 11 seconds East 783.85 feet to a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence North 89 degrees 20 minutes 30 seconds West 1421.79 feet to the point of true beginning and containing 26.66 acres, more or less.

Attached hereto marked Exhibit A is a map of said territory showing its relationship to the corporate limits of the City of Huntsville, which said map is further identified as being entitled "Drake Property to be Annexed."

IN WITNESS WHEREOF, the undersigned have set their hand and seal the date herein indicated.

PREPARED BY
CITY OF HUNTSVILLE
PLANNING DIVISION

 (SEAL)
Signature of Owner/Authorized Representative

STATE OF ~~ALABAMA~~ Tennessee
COUNTY OF ~~MADISON~~ Williamson

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that David Burns Drake whose name is signed to the foregoing annexation petition and who is known to me, acknowledged before me on this date that, being informed of the contents of the within annexation petition, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office, this the 14 day of January, 2014.



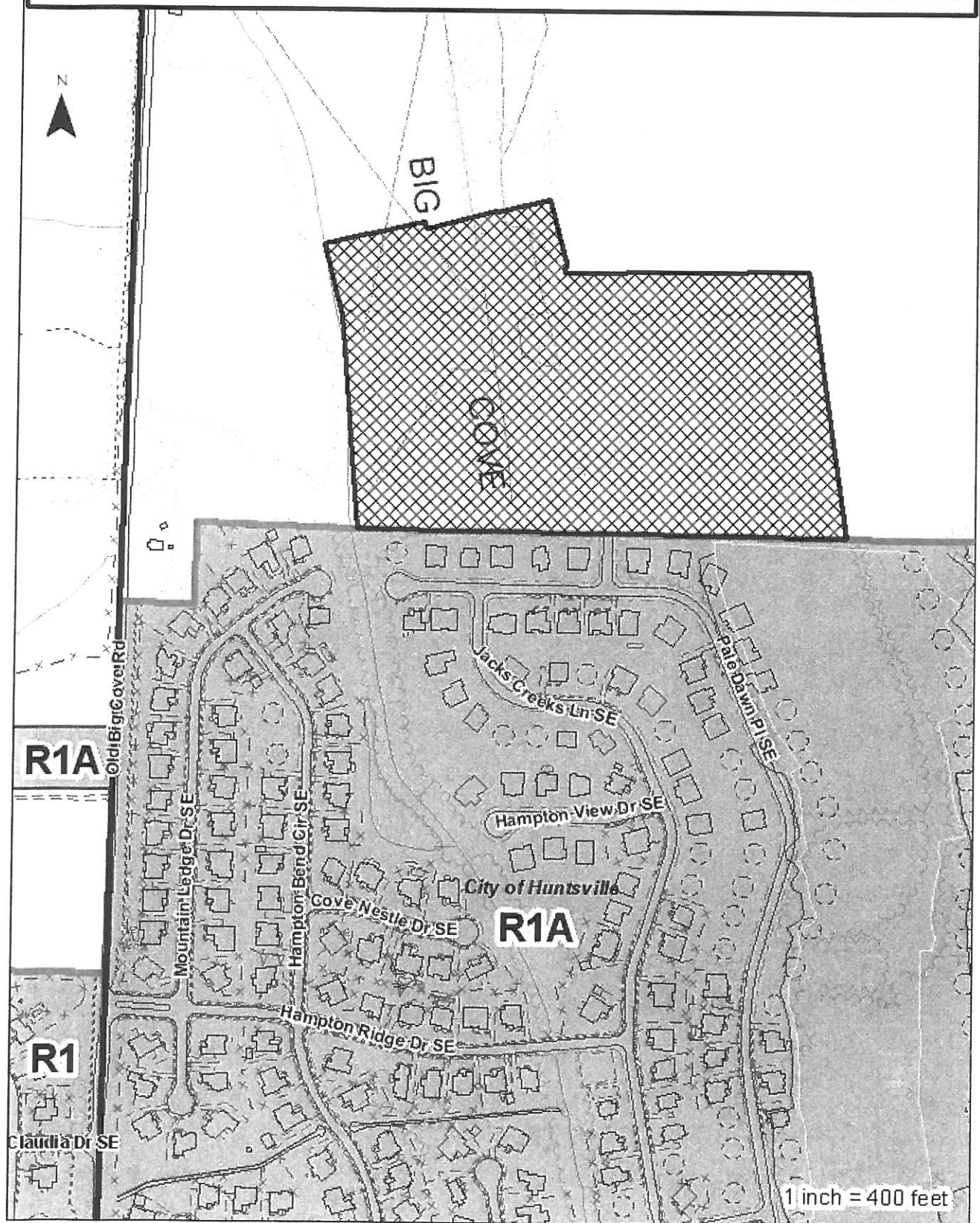

NOTARY PUBLIC


EXHIBIT A: DRAKE PROPERTY TO BE ANNEXED



ANNEXATION SUMMARY: DRAKE
January 14, 2014

PETITIONER: David Burns Drake

LOCATION: East of Old Big Cove Road and North of Hampton Ridge Drive
Township 4 South, Range 1 East, Section 35

ACREAGE: 26.66 acres

REASON FOR
REQUEST: City Services/Future Residential Development

ANNEXATION GUIDELINES: DRAKE

1. Annexations that would fill in or make more regular the existing corporate limits should be strongly encouraged.

WOULD CONTINUE ONGOING ANNEXATIONS IN THIS AREA

2. The remaining tax islands should be annexed when ownership changes and redevelopment occurs....

NOT A TAX ISLAND

3. Annexations of land in subdivisions....

NOT PART OF A SUBDIVISION

4. Corridors are discouraged....

NOT A CORRIDOR

5. Point-to-point annexations should be discouraged....

NOT A POINT-TO-POINT CONNECTION

6. Owners living on land expected to be annexed within the ninety-day period preceding a municipal election....

NO MUNICIPAL ELECTION AT TIME OF ANNEXATION

7. Land which is known to be contaminated should not be annexed until such danger has been mitigated.

NO KNOWN CONTAMINATION

8. The annexation of land that would contribute to the city's economic development through an increase in taxes....

RESIDENTIAL LAND

9. The city should require petitions for annexation referenda to satisfy additional conditions....

NOT A REFERENDA

10. City planners will explain to all annexation petitioners the policies under which services are provided.

POLICY STATEMENT SIGNED BY OWNER; COPY ATTACHED

**STATEMENT REGARDING
PROVISION OF CITY SERVICES TO NEWLY ANNEXED LANDS**

City services will be provided to all newly annexed lands according to the same policies that already govern in Huntsville. This means that Huntsville police and fire departments will respond to calls; garbage and trash will be collected by city sanitation; and school children will attend city rather than county schools. Transportation for students attending the city schools will be the responsibility of their parents. All applicable city ordinances will be enforced including the implementation of zoning regulations.


Water service is provided by Huntsville Utilities; however if the annexed land is already served by another water authority, the existing situation should be expected to continue until such time as development pressure or legal agreements between water authorities makes it feasible or possible for Huntsville Utilities to assume control of the water lines or extend new mains. The cost of main extensions usually are borne by the property owner.

Likewise, it has long been city policy to expand sanitary sewer service on a cost benefit basis. This policy applies to all land within the city regardless of its annexation date. In addition, the city has adopted a capital improvement plan to guide investment in infrastructure. In order for an area to be considered for road construction, drainage improvements, recreational or community facilities, new fire stations, or sanitary sewer extension, the area must be in the city and then must be prioritized according to need. Newly annexed land will be accorded the same consideration as other city lands.

Lastly, it is important to understand that those autonomous boards, agencies and utilities that have authority over the delivery of specific public services set their own policies and procedures.

* * * *

I have read the above statement governing the delivery of city services to lands annexed into the city of Huntsville, and I agree to these conditions as they may pertain to any of my lands that are annexed.

X Petitioner  Date 7-6-14
Petitioner _____ Date _____